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EXAMINER

BAYAT, BRADLEY B

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3621

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/720,079
Filing Date: March 29, 2001
Appellant(s): KAWAI ET AL.

APR 19 2007

GROUP 3600

Ronald P. Kananen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 21, 2006 appealing from the Office action mailed April 21, 2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

6,058,382

KASAI et al.

5-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasai et al. (hereinafter Kasai), U.S. Patent 6,058,382.

As per the following claims, Kasai discloses:

18. An electronic money system comprising: a plurality of electronic money terminals, an electronic money terminal of said plurality of electronic money terminals receiving electronic money log data from an electronic device, said electronic money log data including electronic money, for the purchase of a commodity or the reception of a service, said electronic money terminal receiving a transaction amount and a payment method indication, said transaction amount being said purchase price of said commodity or the monetary value of said service, said payment method indication indicating payment of said transaction amount using said electronic money or installment payments, wherein said electronic money terminal updates said electronic money log data with said transaction amount when said payment method indication indicates said payment by said installment payments, wherein said updated electronic money log data is stored within said electronic money terminal, and wherein said electronic device stores said

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updated electronic money log data (column 1, line 50-column 2, line 33; figure 1 and associated text).

19. The electronic money system according to claim 18, wherein said electronic money terminal updates said electronic money log data by decrementing said electronic money in the amount of said transaction amount when said payment method indication indicates said payment by said electronic money (column 3, lines 20-34; columns 5-6; figure 1 and associated text).

20. The electronic money system according to claim 19, wherein, when said transaction amount is greater than said electronic money, the difference between said transaction amount and said electronic money is stored within said electronic money terminal as credit card transaction information.

21. The electronic money system according to claim 20, further comprising: an electronic money management block that captures electronic money log data stored within each money terminal of said plurality of electronic money terminals (column 6, lines 35-65).

22. The electronic money system according to claim 21, wherein said electronic money management block calculates the sum total transaction amounts for said electronic device during a particular time interval (figure 2 and associated text).

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23. The electronic money system according to claim 21, wherein said electronic money management block sends to a bank or credit company the sum total amount of credit card transaction information for said electronic device during a particular time interval (figure 1 and associated text).

24. The electronic money system according to claim 18, wherein said electronic money terminal stores therein electronic money log data for prior usages of said electronic device (column 3, line 35-column 4, line 20).

25. The electronic money system according to claim 18, wherein said electronic money terminal receives electronic money log data from another electronic device (column 3, lines 36-40).

26. The electronic money system according to claim 18, wherein said electronic money terminal receives other electronic money log data from said electronic device (column 5, lines 64-66).

27. The electronic money system according to claim 18, further comprising: a deposit terminal that receives currency and transmits amount data to said electronic device, said amount data representing the monetary value of said currency being transmitted, said electronic device using said amount data to increment electronic money in the amount of said monetary value (figure 3 and associated text).

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28. The electronic money system according to claim 18, wherein said electronic device is a portable terminal (column 4, lines 40-56).

29. The electronic money system according to claim 18, wherein said electronic device is an information card (column 2, lines 31-33).

30. The electronic money system according to claim 29, wherein said information card is a contact less information card that sends and receives said electronic money log data in a contact less manner (column 4, lines 36-41).

Claims 31-40 are directed to a method according to the system above and are rejected under the same cited reference.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

(10) Response to Argument**Claims 18, 21, 25, 26, 28 and 29**

Appellant concedes at the outset and sets forth where various elements of the claims are taught by the cited reference, Kasai (brief p. 9). Appellant, however, argues that Kasai fails to disclose i) “that for the purchase of a commodity or the reception of a service, electronic money terminal 7, 9 receive a transaction amount and a payment method indication” and ii) that the electronic money terminal 7, 9 updates the electronic money log data 11, 13 with a transaction amount and stores it within the electronic money terminal.” Id at 9-10.

The examiner respectfully disagrees. Kasai clearly discloses i) that the electronic money holding device and automatic payment method is directed to fulfilling an obligation either for a purchase of goods or services between a buyer and service provider including an amount payable and transfer of money under the contract terms (column 2, lines 1-30). Kasai, in fact, discloses ii) an electronic money holding device utilizing an automatic payment method wherein a payment is made in accordance with contract terms between a provider and a buyer (column 1, line 50-column 2, line 34). The electronic money holding device claimed by Appellant and taught by Kasai do not determine contract terms between a buyer and a provider, but rather carry out an automatic payment in accordance with the agreed upon terms of the contract (column 3, lines 24-43, storing and updating of electronic money balance). For instance, if the Appellant’s automatic payment is for a phone bill, the whole monthly usage amount will be automatically deducted, whereas if a car payment is automatically deducted, the previously agreed upon installment payment is made. Therefore, as disclosed in Kasai, the electronic money holding device utilizing an automatic payment mechanism merely deducts, logs and updates payments as

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per the contract terms specified between the parties (column 6, lines 19-63, logging (journal) of transactions, automatic payment control via contract terms).

Claim 19

Appellant contends that Kasai “fails to disclose, teach or suggest updating the money chip 11 (brief p. 10).” On column 3, lines 24-34, Kasai discloses, “[a] main part of the IC card is a portion 11 provided with a storage unit for storing an identification number uniquely applied to each of all IC cards and the balance of held electronic money, and a central processing unit for storing and executing a procedure for performing the reference to and the updating of the balance and a procedure for controlling the transfer of electronic money between this IC card 10 and another electronic money holding device. (Hereinafter, the portion 11 will be referred to as “electronic money chip”.) The encipherment of the balance is also performed in this money chip 11.”

Claim 20

Appellant’s argument that Kasai fails to disclose, the difference between the transaction amount and the electronic money is stored within the electronic money terminal as credit card transaction information (emphasis added to note language of the claim, brief p. 11). The Examiner respectfully submits that any information stored such as balance, amount payable, date serve as credit card transaction information.

Claim 22

Appellant argues that Kasai fails to disclose “a calculation during a particular time interval” as provided in the claim (brief p. 11). The Examiner respectfully submits that the read

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balance (A) and the total amount payable (B) determined in step 27 of figure 2 serve as a calculation performed at a particular time interval.

Claim 23

In response to the contention that the limitation wherein the electronic money management blocks sends to a bank the sum total of a transaction is not taught by Kasai, Appellant is directed to column 5, line 53-column 6, line 8. Kasai states, “[i]n order that the user draws electronic money from the bank, bank electronic money transaction management system data 14 possessed by the IC card 10 is read (step 43) and a call through the telephone number of the bank is put (step 44). When the computer 7 of the user and the bank electronic money transaction management system 2 are connected, a purse ID in the table 14 of the IC card 10 is used to check whether or not the connection is made to a correct party. Subsequent to the confirmation of the correct party, a request for the drawing of electronic money corresponding to B-A is made to the bank electronic money transaction management system 2 (step 45). At this time, the electronic money payment process includes transmitting an identification number of the IC card 10 of the user as well as a password in the table 14. The bank electronic money transaction management system makes the authentication of electronic money drawing on the basis of the transmitted identification number and password. In the case where the authentication is made and the balance of electronic money in a bank account is equal to or greater than (B-A) (step 46), the transmission from the bank electronic money transaction system 2 (or the drawing of electronic money) is performed using the above-mentioned MONDEX VTP or the like.”

Claim 24

In response to the argument that the reference fails to disclose storing log data as to prior usages and transactions (brief p. 12), Kasai discloses that “if the transfer of electronic money is performed, its log (or journal) for ten latest transactions is recorded in the IC card (column 6, lines 19-21).”

Claim 27

Appellant’s contention that the reference fails to teach a method for depositing value is unfounded (brief p. 12). Kasai discloses that the “bank electronic money transaction management system 2 is connected to the computer 7 through the public line 5 and is an electronic money transaction management system of a bank as the other party for which the user performs an operation for the deposition or drawing of electronic money of the IC card 10 (column 4, lines 47-52).”

Claim 30

The Examiner respectfully submits that Appellant’s attempt at overcoming the rejection by arguing that the IC card in Kasai is not a contactless information card is tenuous at best (brief p. 13). Kasai discloses that the electronic money is held in an IC chip on an IC card (column 1, lines 16-17). As such, in any contactless card, the chip communicates with the card reader through RFID induction technology.

Claims 31-40

The Examiner will not squander the Board’s time by repeating the above responses with respect to Claims 31-40, directed to a method of the above-recited system. As such, the

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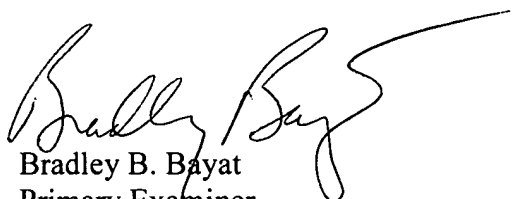
Examiner refers to the responses to the arguments recited above with regards to each corresponding claim.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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Art Unit 3621

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